COURT FEE 10 Rs. भारत INDIA दस रुपये TEN RUPEES CANCELLED

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR(C.G)

SINGLE BENCH

M.C.C. NO. 65 / 2005

[In arising out of Writ Petition No. 3087/04]

APPLICANT/ PETITIONER : M/s. Mangilal Pagaria, Builders and Contractors. A firm registered under Indian Partnership Act, Represented through Sushil Chandra Pagaria, Partner, Pagaria House, Near Bus Stand, Jeewan Beema Marg, Pandri, Raipur (C.G.).

P.R. No. 3297 dated 23.03.05 Presented by Shri ... Raipur Advocate

VERSUS

NON-APPLICANTS/ RESPONDENTS

1. State of Chhattisgarh, through The Secretary Nagaria Prashashan Awas Paryawaran, D.K.S. Bhawan, Mantralaya Raipur, Dist: Raipur (C.G.)
2. The Collector, Raipur, Distt. Raipur (C.G.)
3. The Commissioner, Municipal Corporation, Raipur, Distt: Raipur (C.G.)
4. The Joint Director, Town & Country Planning, RDA Building, Sharda Chowk, Raipur (C.G.)

RECEIVED-COPY CLERK to A. G. BILASPUR 23/3/05

APPLICATION FOR CLARIFICATION OF ORDER AND/OR FOR EXTENSION OF TIME.

The petitioner respectfully submits as under:-

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(16)

आदेश पत्रक

मामला क्रमांक M.Cc.65/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24.3.2005

Shri Kishore Bhaduri, counsel for the petitioner.

Shri Sumesh Bajaj, Deputy Government Advocate for respondent No.1, 4 & 6.

Shri H.B. Agarwal, Sr. Counsel & Shri P. Diwakar, Sr. Counsel with Shri Pankaj Agarwal & Miss Pritha Ghosal, counsel for respondent No.3.

I have heard the learned counsel for the parties.

The petitioner has preferred this MCC for extension of time granted by this Court on 28.2.2005.

Vide order dated 28.2.2005 the petitioner's writ petition was dismissed on the ground that same is not maintainable on account of involvement of question of disputed facts in the petition and three weeks' time was allowed to the petitioner to file the civil suit before the appropriate court and till then parties were directed to maintain status quo.

Perusal of this petition shows that the petitioner herein filed a civil suit before the regular civil court, however, that court rejected the plaint of petitioner herein under Order 7 Rule 11 of CPC on the ground that one month statutory notice under Section 401 of C.G. Municipal Corporation Act has not been issued. Against the said rejection order the petitioner has preferred an appeal, which is pending before the appellate court and also one writ petition before this Court. So far as that writ petition is concerned, learned counsel for the petitioner submits that he wants to withdraw the same.

XI-HC-22

(16)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक MCC 65/05 **सन् 200**

..... **विरुद्ध** .....

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	-2-	

Learned counsel for the respondent submits that the petitioner is not bonafide in his request for the reason that at one hand the petitioner is submitting that notice is not necessary and at another hand he is seeking further time. Learned counsel further submits that so far he has not issued any notice even after rejection of the plaint by the civil court and he has preferred an appeal against that order.

In these circumstances, as the petitioner has already preferred an appeal against the order rejecting plaint of the petitioner, therefore, he can seek stay in that matter against the respondent herein restraining them from demolishing the building. However, looking to the facts and circumstances of the case, till the appeal is taken up for hearing and some order is passed, the parties are directed to maintain status quo, as it exist today, for further seven days from today. It is made clear that no further extension will be granted.

In view of this order, M.C.C. No.65/05 stands disposed of.

Certified copy as per rules.

Sd/-
L.C.BHADOO
Judge

(पीछे देखिये)